

REMARKS

Claims 1-6, 8, 10, 11 and 14 are pending. Claims 1-6, 8, 10, 11 and 14 are rejected under 35 USC §103 as unpatentable over Eccleston, in view of Pinier and further in view of Nasonex Product Information. Applicants traverse all of these rejections.

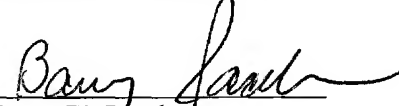
The Office Action alleges that Eccleston teaches various degrees of thixotropy and the absence of significant thixotropy recovery at short times and that Eccleston does not specifically teach back scattered light by using a particle vision and measurement probe. Applicants note that Eccleston does not use, teach or disclose the claimed elements of the present invention to determine the formation of a secondary structure of a thixotropic formulation. As such, Applicants submit that the current rejections must fail since they do not disclose each and every element of the presently claimed invention. Accordingly, Applicants respectfully submit that withdrawal of the present rejections is appropriate.

Applicants note that there are several differences between the presently claimed invention and Pinier. For instance, Pinier uses a black glass element 15 that absorbs the incident beam and is intended for limiting the luminous intensity reflected. The present invention does not contain such an element. According the logic of the Office Action, it would be surprising that the present invention is functional without the use of the black glass element 15 of Pinier. Applicants respectfully submit that the present invention is not obvious over the combined teachings of Pinier and Eccleston.

Applicants assert that none of the references when taken alone or when considered in combination with each other disclose each and every element of the presently claimed invention. For instance, Applicants submit that subsection a) of claim 1 is not taught or disclosed by the individual references or the combined teachings. Specifically, the Action does not provide any teaching of 'placing an amount of said thixotropic formulation on a transparent object oriented in a vertical position'. Each and every element must be taught or disclosed by the cited references. Applicants submit that the present Office Action is still deficient in this respect and request withdrawal of such rejections.

Based on the foregoing remarks, Applicants respectfully submit that the application is in condition for allowance and request favorable consideration.

Respectfully submitted,


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